

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

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NUGGETT CARMALT,  
Charging Party

HRB CASE NO. 0160107

-v-

FINAL AGENCY DECISION

FLATHEAD COUNTY FAIRGROUNDS,  
Respondent

\*\*\*\*\*

Charging Party, Nuggett Carmalt (Carmalt), filed a complaint with the Department of Labor and Industry (Department) alleging discrimination in governmental services on the basis of political belief. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Carmalt's allegations that Respondent, Flathead County Fairground, discriminated against Carmalt. The Department issued a Notice of Dismissal. Carmalt filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on July 22, 2016. No oral argument was requested for this hearing.

The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Section 49-2-511(2), MCA*. After careful consideration, the Commission concludes the determination of the Department to dismiss the complaint in this case is not an abuse of discretion.

If a charging party chooses to commence a civil action in district court, the charging party has 90 days after the date this order is issued to file a complaint in district court, in the district where the alleged violation occurred, and seek appropriate relief. *Section 49-2-511(3)(a), MCA*. If a charging party fails to commence a civil action within 90 days, the claims are time barred. *Id.*

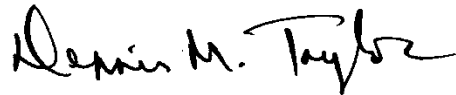
Alternatively, a party may ask a district court to review the decision of the Commission to affirm the dismissal of a complaint. *Sections 2-4-702 and 49-2-511(3)(b), MCA*. This review

must be requested within 30 days of the date of this order. A party must promptly serve copies of a petition for judicial review upon the Human Rights Commission and all parties of record.

*Section 2-4-702(2), MCA.*

IT IS HEREBY ORDERED, that Nuggett Carmalt's objection is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against Flathead County Fairgrounds.

DATED this 3<sup>rd</sup> day of August, 2016.

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Dennis M. Taylor, Chair  
Human Rights Commission

## CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this 3<sup>rd</sup> day of August, 2016.

JAMES C. BARTLETT  
P.O. BOX 2819  
KALISPELL, MT 59903-2819

MAUREEN LENNON  
MACO DEFENSE SERVICES  
2717 SKYWAY DRIVE, SUITE F  
HELENA, MT 59602

A handwritten signature in black ink that reads "Annah Howard". The signature is written in a cursive style with a horizontal line underneath it.

Annah Howard, Legal Secretary  
Montana Human Rights Bureau